

LSK&D #: 643-0140 /4820-0608-2254

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RICHARD GLEN FOY and KLAPEC TRUCKING COMPANY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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KEVIN KING,

Plaintiff(s),

**Docket No.**

vs.

RICHARD GLEN FOY, KLAPEC TRUCKING  
COMPANY, JOHN DOES 1-40 (fictitious names,  
real names unknown), and ABC CORP. 1-40  
(fictitious entities, real names unknown),  
,

**NOTICE OF REMOVAL**

Defendant(s).

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Defendants RICHARD GLEN FOY and KLAPEC TRUCKING COMPANY allege as  
follows for their notice of removal:

**Commencement Of The Action**

1. On or about September 4, 2020, plaintiff Kevin King filed a complaint in a civil  
action for money damages in New Jersey Superior Court, Somerset County, under docket no.  
SOM-L-001031-20. **Exhibit A.**

**Citizenship And Removability**

2. At the time plaintiff filed his complaint, and at the time this notice of removal is filed, the citizenship of the parties was, and remains completely diverse. Plaintiff is a citizen of Somerset County, New Jersey, residing at 38 Tillman Street, Raritan, New Jersey 08869. Defendant Richard Glen Foy is a citizen of Mercer County, Pennsylvania, residing at 17 College Avenue, Apt. 2, Greenville, Pennsylvania 16125. Defendant Klapec Trucking Company is a Pennsylvania corporation with its principal place of business located at 1643 Allegheny Boulevard, Reno, Pennsylvania 16343.

3. Neither the summons nor the complaint specifies the amount plaintiff demands as damages. However, plaintiff is claiming to have undergone multiple surgeries, including a total reconstruction of the right elbow and forearm that consisted of insertion of a new radial head (prosthetic) along with bone and ligament grafting and open reduction internal fixation of the right tibial shaft fracture and left medial malleolus fracture. Plaintiff's counsel, John Anzalone, Esq., also has represented that plaintiff will not be able to return to work as a welder and will not be able to perform any manual/physical labor. Based upon our experience, the damages alleged in this case will exceed \$75,000.

4. The foregoing allegations place defendants on notice that plaintiff's claim exceeds \$75,000, exclusive of interest and costs. *E.g., Carroll v United Air Lines*, 7 F Supp 2d 516, 521-23 (DNJ 1998).

5. This notice is timely as it is filed within thirty days of defendants RICHARD GLEN FOY and KLAPEC TRUCKING COMPANY's receipt of service of the Summons and Complaint, which was served on September 25, 2020.

6. The action is removable to this court.

Dated: New York, New York  
October 8, 2020

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*s/Jeffrey A. Payne*

By: \_\_\_\_\_  
Jeffrey A. Payne